

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: REFUSAL OF SERVICE TO RELOCATING LIHEAP CUSTOMERS	DOCKET NO. DRU-02-2
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**ORDER GIVING NOTICE AND ESTABLISHING DATES FOR
INTERVENTION AND REPLIES**

(Issued February 26, 2002)

On February 8, 2002, the Utilities Board (Board) received a letter from State Representative Jack Hatch requesting the Board make a declaratory ruling. After some preliminary investigation the Board determined that the letter should be treated as a petition for a declaratory order pursuant to Iowa Code § 17A.9 and Board rule 199 IAC 4.1. The proceeding is identified as Docket No. DRU-02-2.

The facts to be considered are:

- 1) A low-income home energy assistance (LIHEAP) qualified head of household has an outstanding bill to a public utility for either gas or electric service or both;
- 2) During the period from November 1 to April 1, the LIHEAP qualified head of household moves to another residence; and
- 3) The public utility refuses to provide service to the LIHEAP qualified customer at the new residence.

Iowa Code § 17A.9(3) requires the Board to give notice to all persons to whom notice is required by law and may give notice to any other persons. The Board finds that notice of this docket should be sent to all public gas and electric utilities, the Iowa Association of Municipal Utilities, Iowa Association of Electric Cooperatives, Legal Services Corporation of Iowa, Iowa Community Action Association, Iowa Coalition for Housing and the Homeless, and the Consumer Advocate Division of the Department of Justice.

Iowa Code § 17A.9(5) requires that the Board take one of four actions within 30 days of the filing of the petition for declaratory order. Pursuant to paragraph "b" of the statute, the Board will set the matter for specified proceedings by establishing a schedule for intervention and the filing of responses to the petition.

Pursuant to Iowa Code § 17A.9(8), the petition is deemed denied if the Board does not issue a declaratory order within 60 days of the filing of the petition or a later time agreed to by the parties. The Board must therefore issue an order on or before April 9, 2002.

IT IS THEREFORE ORDERED:

1. A copy of this order shall be sent to all public gas and electric utilities, the Iowa Association of Municipal Utilities, Iowa Association of Electric Cooperatives, Legal Services Corporation of Iowa, Iowa Community Action Association, Iowa Coalition for Housing and the Homeless, and the Consumer Advocate Division of the Department of Justice.

2. Petitions to intervene shall be filed on or before March 11, 2002, and shall be in compliance with 199 IAC 4.3.3. Late filings may be allowed upon a showing of good cause. The petition should include all information that the person wishes the Board to consider concerning the questions raised by the petition for declaratory order.

4. Replies to the petitions to intervene shall be filed on or before March 20, 2002.

UTILITIES BOARD

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 26th day of February, 2002.